



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2307421  
**Applicant Name :** Bill Franklin, Miller Hull Architects for Vulcan, Inc.  
**Address of Proposal:** 101 Westlake Ave N.

**SUMMARY OF PROPOSED ACTIONS**

Master Use Permit to establish use for future construction of a one-story, 12,000 sq. ft. administrative office building (presentation pavilion). Surface parking for 28 vehicles is to be provided – 22 spaces on site, and six (6) spaces located at 100 Westlake Ave N. Project includes 650 cubic yards of grading. Related project #2307419 for grading at 100 9<sup>th</sup> Ave N.

The following approval is required:

**SEPA** – Environmental Determination – SMC Chapter [25.05](#)

**Design Review** – SMC Chapter [23.41](#), involving no design departures

**SEPA DETERMINATIONS:**      ☐ Exempt   ☒ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions <sup>1</sup>

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

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<sup>1</sup> Early DNS published March 4, 2004.

## **BACKGROUND DATA**

### **Project Description**

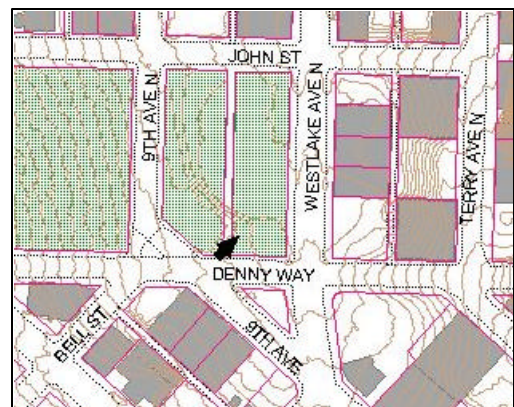
The proposed development is a one-story, 12,000 square foot structure for use as an administrative office and showroom to promote public information and marketing of a nearby proposed development. The proposed structure is intended to occupy the site for approximately four years, after which it will likely be moved to another site in the South Lake Union area.

### **Site and Vicinity**

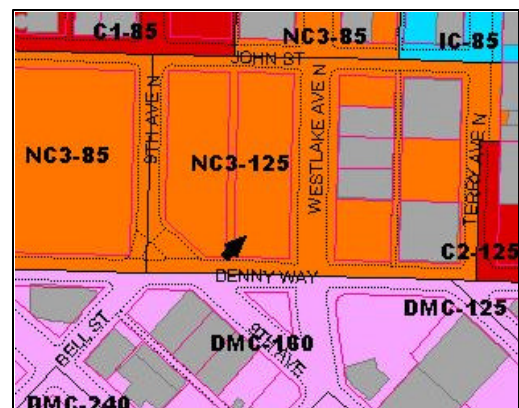
The project involves two properties located in the South Lake Union neighborhood. The two sites occupy the full block between Westlake Ave N to the east, 9<sup>th</sup> Ave. N to the West, John St. to the north, and Denny Way to the south, divided by an unimproved alley running north-south. Westlake, 9<sup>th</sup> and Denny are all principal arterials. John Street is a nonarterial. The site is at the bottom of a basin – topography in the vicinity rises to the east and west, and it slopes gradually to the north. The property is located in the South Lake Union Hub Urban Village.

The site is zoned Neighborhood Commercial 3 with a 125-foot base height limit (NC3-125, see **Error! Reference source not found.**). Properties to the east across Westlake Ave N are also zoned NC3-125. To the north and east the height limit drops to 85 feet (NC3-85). Zoning in the immediate vicinity to the north ranges from Industrial Commercial (IC), NC3 and Commercial 1 (C1). Denny Park is to the west across 9<sup>th</sup> Ave N, also zoned NC3-85. Land to the south across Denny Wy is zoned Downtown Mixed Commercial (DMC), with heights ranging from 125 feet to 160, to 240 feet.

Development in the immediate vicinity reflects its zoning, though none approaches its full zoning potential, suggesting that the area could experience substantial future redevelopment. Surrounding uses are primarily nonresidential, including Morningside Academy to the north, Denny Park to the west, a motel, a restaurant, office buildings, a church, retail stores, warehouses, auto lots and surface parking lots, and Cornish College to the southeast.



**Figure 1.** Local topography



**Figure 2.** Vicinity Zoning



**Figure 3.** Aerial View

Although the proposal itself does not approach its zoning potential, its intent and proposed design addresses future development to be located to the southeast, across Denny and Westlake. Vulcan and Milliken Development Corporation have proposed a 190-foot high mixed use complex at 2200 Westlake Ave, including approximately 240 residential units, a hotel, a grocery store, and other retail and office space. The subject project is intended to serve as a display center to market the proposed residential and commercial space at 2200 Westlake Ave. Once the building has achieved its purpose, the owner intends to relocate it to a different site, possibly in the South Lake Union neighborhood.

The site consists of two properties, both 360' long by 120' wide, separated by an undeveloped 16'-wide alley. The western property is chamfered at the southwest to accommodate the transition from 9<sup>th</sup> Ave N to 9<sup>th</sup> Ave. The site slopes gradually down to the northeast, approximately 10' in all. The site is currently occupied by a grassy field and a paved basketball court. Through an agreement with the property owner since 1996, the Seattle Parks Department has administered and maintained these recreational resources, used primarily by students at the nearby Morningside Academy, as well as recreational youth soccer leagues. The southeast corner of the site is developed with low concrete walls that retain landscaping, including some small trees. There is an existing curb and sidewalks around the full periphery of the site.

The South Lake Union neighborhood [guidelines](#) identify the intersection of Westlake and Denny as a “gateway”, and the Westlake Ave N commercial corridor as a “heart location”. The site is served by a variety of public transit routes. Westlake Ave is also the proposed route for a South Lake Union [streetcar](#).

### Public Comment

DPD received written comments from representatives of two neighborhood organizations: Morningside Academy, located to the north across John St., and Queen Anne Soccer Club. Both groups use the existing playfield for recreational activities. Queen Anne Soccer Club expressed appreciation that the developer had reached out to solicit input on appropriate field design. Morningside requested that half the playfield be available to their students during construction.

### **ANALYSIS OF THE DIRECTOR – DESIGN REVIEW**

The applicants presented the project to the Queen Anne / Magnolia Design Review Board for Early Design Guidance on January 7, 2004, at the Naval Reserve Building. The applicant submitted an early design packet, which provides a site and vicinity analysis that informs this report. The packet is available for public review at the DPD Public Resource Center, located on the 20<sup>th</sup> floor of The Seattle Municipal Tower, 700 5<sup>th</sup> Avenue.

A subsequent Design Recommendations meeting took place on March 3, 2004, also at the Naval Reserve Building. DPD has previously published and distributed the Early Design Guidance report, and the Board’s recommendations are summarized below. The EDG report is available in the project file, located on the 20<sup>th</sup> floor of Seattle Municipal Tower.

### EDG – Applicant’s Presentation

Applicant representatives included Don Milliken, partner in the proposed development at 2200 Westlake Ave. Mr. Milliken described the nearby project, laying out the rationale for the subject project – a relatively temporary display center designed to reach out to the public and potential tenants regarding proposed development in the vicinity. The building would likely house a scaled model of the South Lake Union neighborhood.

Dave Miller, principal at Miller Hull, gave a brief overview of his firm’s experience, identifying projects such as Fisher Pavilion and live-work lofts on Capitol Hill. He noted that the proposed structure would have a short life on the site, and would likely be relocated elsewhere, closer to the lake, perhaps as a café or a boat rental center. He described the site and vicinity, referring to much of the information presented above and providing contextual photos of surrounding development. An identified priority in the design program is to maintain the current use of the site for organized recreational activities, particularly youth soccer. The applicant also intends to maintain most of the existing larger trees on the site.

Mr. Miller presented three conceptual alternatives for the site, which differed primarily in the organization of the structure, surface parking and playfields. The applicant’s preferred alternative involves a structure located at the southeast corner of the site (Westlake and Denny), surface parking to the north, accessed from both John and Westlake, and regraded playfields located on the western property and unimproved alley right of way.

The design concept involves a “modular” structure that can later be detached and moved as four structural bays. The building would rest on piers, suggesting a design that is “light on the land”. Proposed building materials and practices would support this concept by emphasizing light, glassy façades, steel bracing, and a “contemporary northwest architectural style”, following in the tradition of Victor Steinbrueck and Paul Thiry. The proposed roof of the structure would shed down toward the west, so that a high principal façade would front on Westlake Ave N. The proposed entrance would be on this east façade, toward the north end of the building.

The applicant welcomed input regarding the landscape design, particularly of a landscaped court proposed to be located between the surface parking and the structure.

Phil Fujii, Community Relations Manager for Vulcan, Inc., commented on the corporation’s outreach efforts related to the proposed development, identifying the Parks Department, Morningside Academy and the Queen Anne Soccer League as the most evident stakeholders related to the existing and proposed playfields. Vulcan has communicated with stakeholder representatives to design future playfields that best meet the needs of its current users. Mr. Fujii also noted Vulcan’s efforts to support the capital development of other neighborhood parks, such as Cascade Playground, through substantial funding to complement the recent Pro-parks levy.

### EDG – Clarifying questions by the Board

*How would the proposal affect existing trees on the site, particularly those located on the south side?* The applicant indicated that a minor adjustment of the proposed building footprint would not likely preserve the identified trees, which he described as relatively small. The applicant indicated it might be possible to relocate the trees elsewhere on the site. The architect wants to promote visibility of the structure along Denny.

*Describe the proposed roof materials.* The performance standard for roof materials is that they be durable but also possible to take apart. Currently considering a raised seam metal roof.

*What overriding precepts define how this project is driven?* The applicant identified “sustainability” as a guiding principle in development of this project, restating the goal to achieve a structure that is “light on the land”.

*Did you consider other options in relating the building to the corner and sidewalk along Westlake?* Primary considerations were to “honor the urban edge” at the sidewalk by presenting a transparent, interesting eastern façade. The goal is to draw people into the center, and its nature as a transparent pavilion space should help to achieve that goal.

*How will the structure relate to the fields and basketball court behind it?* The applicant noted that they had not provided a west elevation. They recognized the relationship of the structure to the park as a concern, noting that mechanical equipment would likely be located on top of a portion of the structure, obscured by a parapet.

*Is it possible that the structure might last longer on the site?* Development potential for the site is much greater than what is currently proposed, so it’s not likely that this structure would be a permanent feature on the site. There are no specific plans for a future relocation.

#### EDG – Public Comment

Two members of the public signed in at the Early Design Guidance meeting on **Error! Reference source not found.** Commentors were supportive of the project, noting the applicant’s efforts to engage the community to improve the remaining undeveloped space for continued use as playfields. One person asked about plans for the existing public restrooms, currently provided by the Parks Department as a portable toilet. DPD staff subsequently pursued this consideration with the applicant and Mr. Fujii, who conferred with the Parks Department. All parties concluded that integration of a public restroom involved too many liabilities associated with maintenance and supervision of the space.

#### Recommendations Meeting – Applicant’s Presentation

The project’s Design Recommendations meeting took place on March 3, 2004. The architect and developer’s representative recapitulated the project’s purpose and intent: to provide a visible, flexible space designed to promote and market nearby development. The design concept is centered around sustainability, expressed through building and landscaping strategies intended to conserve resources, and leading ultimately to the reuse of the structure at a different location.

The architect explained that the updated design involves structural steel bents, spaced 20' on center, that serve to divide the proposed structure into four parts. Each section would be bolted one to the other, and sealed with an interstitial gasket. The entire structure would rest on concrete piers, a visual complement to the design’s objective to be “light on the land”. Metal panels on the west side transition to a façade composed primarily of glazing on the east – an anodized aluminum window system.

A fifth module is located on the design's west side, which the applicant termed a "back bar". The roof is lower on this side. The architect proposes a warmer, richer finish material, such as 1x6 wood siding, later clarified to be hardipanel shiplap with a translucent finish, applied directly. Windows on this side are high, providing ambient light for meeting rooms and restrooms.

The design locates the principal pedestrian entry toward the northeast corner, closest to the proposed surface parking lot. A secondary door and ramp would be located further south along Westlake Ave N.

The architect showed photographic images of other Miller Hull projects that helped to illustrate the design intent. Included in the presentation were the Pierce County [Environmental Services Building](#), which employs various water conservation and drainage innovations, the Seattle Center's [Fisher Pavilion](#), noted by the architect for its warm glow in early evening, and Seattle Academy's [gymnasium](#), for the warmth and texture of its wood siding. The architect also referred to drainage strategies and porous concrete used at the EcoTrust Building in the Portland area.

The applicant's original design objectives emphasized sustainability and an intent that the design be "light on the land". The project's landscape architect presented the landscaping concept, describing a strategy that seeks to absorb rainwater runoff from the site's impermeable surfaces and minimize erosion and water contamination through a modified "infiltration bioswale". Another feature used water from the roof to irrigate surrounding plantings. The landscape architect noted that such features are not typically an urban concept, and given the proposal's temporary nature, these features were to be integrated as a statement and potentially as a means toward public education about sustainable design.

Landscape materials include ornamental grasses, intended to create a "prairie" feel around the base of the field. Such grasses would not be native species, but would be attractive and appropriate.

#### Recommendations – Clarifying questions by the Board

*Please explain the characteristics of the bioretention swale.* While a fully-functioning bioswale would generally include several feet of peaty soils and a more intensive drainage and filtration system, this project is smaller in scope, considered to be more of a demonstration than a fully functioning conservation measure.

*How will the design treat the underside of the structure? Will it fill with weeds, or will it be a trap for windswept garbage?* There will be fence sections set back under the structure, but not so far that it won't deflect trash.

*Several Board members voiced concerns at the lack of graphics to communicate the design's finish materials, colors, and textures, and they called staff to task for not requiring that such drawings be presented. Subsequent to the recommendations meeting, the applicant provided supplemental information that clearly shows the proposed finish materials. Drawings are available in the Master Use Permit file, located at the Public Resource Center on the 20<sup>th</sup> floor of the Seattle Municipal Tower, 700 5<sup>th</sup> Avenue, downtown.*



*Please articulate finish materials, colors, and textures.* Floor to ceiling glass along the Westlake (east) elevation. Exposed steel structural elements will be painted a deep flat metallic gray, or pewter. Curtain wall glazing will have clear anodized aluminium reveals, and will afford a clear view from the sidewalk into the structure. Sides will be a silver gray corrugated metal. The back bar will be 1x6 shiplap stained a warm reddish color, and punctuated with punched window openings. Reveals here will also be anodized aluminum. Roof will be raised seam ADP span, with a ZACTique II finish, also colored a dark gray.

*Given the project's stated goal for sustainability, is cedar siding along the western module the right choice for this project?* The likely siding material will be a Hardipanel product with a shiplap texture.

#### Recommendations – Public Comment

Two members of the public attended the design recommendations meeting. Both attendees supported the project and the improvements to the playfield associated with the related project.

#### Guidelines and Design Review Board Recommendations

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment, the Design Review Board members provided the siting and design guidance and recommendations described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project. In addition, Board members considered the project in relation to the [\*South Lake Union Design Guidelines\*](#).

#### **A. Site Planning**

##### **A-2 Streetscape Compatibility**

*The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

##### **A-10 Corner Lots**

*Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

#### **Guidance – Site Planning**

The Board supported the applicant's conceptual site plan, stating that parking and vehicle access were located appropriately, and that the proposed design appeared to offer a transparency and visual interest that are a fitting response to the corner.

#### **Recommendation – Site Planning**

The Board supported the design's siting and its transparency as seen from the street.

**C. Architectural Elements and Materials**

**C-2 Architectural Concept and Consistency**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

*Buildings should exhibit form and features identifying the functions within the building.*

*In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

**C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

**Guidance – Architectural Elements and Materials**

The Board was complimentary of the applicant's initial design concepts. Board members recommended that the applicant consider a similar project in Vancouver, BC – the Concord Pacific Place Presentation Center, at False Creek – which resembles the proposal in its architectural program and its temporary and modular design. Board members stated that the False Creek center was a successful example of a structure exhibiting quality architecture and permanence, despite its temporary location.

**Recommendation – Architectural Elements and Materials**

The Board recommended that DPD staff and the applicant collaborate to ensure that updated design drawings reflect the high quality of finish materials and textures described in the meeting.

**D. Pedestrian Environment**

**D-2 Blank Walls**

*Buildings should avoid large blank walls facing the street, especially near sidewalks.*

*Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.*

**Guidance – Pedestrian Environment**

Board members expressed a concern that the proposed pavilion will be highly visible from the field, and that the applicant should clearly consider the structure's relationship to its west side.

**Recommendation – Pedestrian Environment**

The Board appeared to be satisfied that the materials and fenestration for the west façade addressed the western open space appropriately.



## **E. Landscaping**

### **E-2 Landscaping to Enhance the Building and/or Site**

*Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

#### **Guidance – Landscaping**

The Board feels the applicant should create a landscape design that effectively integrates the parking area with the building. The “entry court” should be a transitional space that draws people from their cars or from the sidewalk into the building.

#### **Recommendations – Landscaping**

One Board member voiced concerns that the proposed “bioswale” risked putting form before function, in that it would promote the idea of a more sustainable drainage system without actually delivering the benefits of such a system. While the Board recognized that the sustainable landscaping design had its limitations in space and duration, they commended the designers for their efforts to integrate such concepts – to a practicable extent – into the overall design.

## **ANALYSIS - SEPA**

DPD requires a State Environmental Policy Act (SEPA) analysis for a development exceeding 12,000 square feet, according to Director’s Rule [23-2000](#). The applicant provided the initial disclosure of this development’s potential impacts in an environmental checklist signed and dated on January 29, 2004. This information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”, subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

### Parking

Short-term parking impacts involve additional parking demand generated by construction personnel and equipment. Streets in this neighborhood appear to have sufficient capacity to absorb additional short term parking demand generated by the project. Likely parking impacts are not sufficiently adverse to warrant further mitigation.

### Construction Vehicles

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. The subject site fronts 12<sup>th</sup> Ave NE, close to NE 45<sup>th</sup> and 50<sup>th</sup> Streets, and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC [11.62](#). This immediate area is subject to traffic congestion during the PM peak hour, and large trucks turning onto NE 45<sup>th</sup> and 50<sup>th</sup> Streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted. For the duration of the grading activity, the applicant/responsible party shall cause grading truck trips to cease during the hours between 4 p.m. and 6 p.m. on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity (Condition #0). As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

City code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased bulk and scale on the site; increased traffic and parking demand due to expanded business; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; loss of vegetation; and increased energy consumption.

The likely long-term impacts are typical of commercial development, and DPD expects them to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of Seattle Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities, loss of vegetation) are not sufficiently adverse to warrant further mitigation by conditions.

### **DECISION – DESIGN REVIEW**

The Director concurs with the recommendations of the Queen Anne/Magnolia Design Review Board, delivered March 3, 2004, subject to the considerations listed in this report.

Based on drawings shown to DPD after the March 3 meeting and contained in the project file, DPD considers the proposed materials and colors to meet the Board's recommendations related to quality materials.

DPD **APPROVES** the project for Design Review, subject to the conditions listed below.

### **CONDITIONS – DESIGN REVIEW**

The following Design Review conditions 1-3 are not subject to appeal.

1. The applicant shall update the Master Use Permit plans to reflect drawings shown after the Design Review Board meeting on March 3, 2004, and the recommendations and conditions of this decision. The applicant shall embed conditions and colored landscape and elevation drawings into updated Master Use Permit and all building permit sets.

#### Prior to and/or during construction

2. Any changes to the exterior façades of the building, signage, and landscaping shown in the building permit must involve the express approval of the project planner prior to construction.

Prior to issuance of the Certificate of Occupancy

3. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager. The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least (3) working days prior to the required inspection.

**DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

**CONDITIONS – SEPA**

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

4. For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause grading truck trips to cease during the hours between 4 p.m. and 6 p.m. on weekdays.

Signature: (signature on file) Date: July 8, 2004  
Scott A. Ringgold, Land Use Planner  
Department of Planning and Development  
Land Use Division